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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

MIKE GLEASON, Chairman
 WILLIAM MUNDELL
 JEFF HATCH-MILLER
 KRISTIN K. MAYES
 GARY PIERCE

IN THE MATTER OF THE APPLICATION OF
 NORTHERN SUNRISE WATER COMPANY FOR
 A CERTIFICATE OF CONVENIENCE AND
 NECESSITY TO PROVIDE WATER SERVICE IN
 COCHISE COUNTY, ARIZONA.

DOCKET NO. W-20453A-06-0247

IN THE MATTER OF THE APPLICATION OF
 SOUTHERN SUNRISE WATER COMPANY FOR
 A CERTIFICATE OF CONVENIENCE AND
 NECESSITY TO PROVIDE WATER SERVICE IN
 COCHISE COUNTY, ARIZONA.

DOCKET NO. W-20454A-06-0248

IN THE MATTER OF THE JOINT APPLICATION
 OF NORTHERN SUNRISE WATER COMPANY
 AND SOUTHERN SUNRISE WATER COMPANY
 FOR THE APPROVAL OF SALE AND
 TRANSFER OF WATER UTILITY ASSETS, AND
 CANCELLATION OF CERTIFICATES OF
 CONVENIENCE AND NECESSITY, FOR
 MIRACLE VALLEY WATER COMPANY,
 COCHISE WATER COMPANY, HORSESHOE
 RANCH WATER COMPANY, CRYSTAL WATER
 COMPANY, MUSTANG WATER COMPANY,
 CORONADO ESTATES WATER COMPANY,
 AND SIERRA SUNSET WATER COMPANY,
 LOCATED IN COCHISE COUNTY, ARIZONA.

DOCKET NOS. W-20453A-06-0251
 W-20454A-06-0251
 W-01646A-06-0251
 W-01868A-06-0251
 W-02235A-06-0251
 W-02316A-06-0251
 W-02230A-06-0251
 W-01629A-06-0251
 W-02240A-06-0251

PROCEDURAL ORDER**BY THE COMMISSION:**

By Procedural Order dated July 14, 2008, Northern Sunrise Water Company and Southern
 Sunrise Water Company (collectively "Applicants") and the Arizona Corporation Commission's
 ("Commission") Utilities Division ("Staff") were ordered to mutually develop a proposed form of
 notice, such notice to include detailed maps to assist affected property owners determine the whether
 their property is sought to be included in the application to extend the Applicants' certificated areas.

1 On October 16, 2008, Applicants and Staff filed a Notice of Filing Proposed Form of Public
2 Notice and Maps, and recommended that the notice and accompanying maps be sent to those
3 property owners located within the requested service area.

4 On October 29, 2008, Mr. Stephen Cockrum, an intervenor in this matter filed comments to
5 the proposed form of notice.

6 On November 7, 2008, the parties appeared at a Procedural Conference to discuss the form of
7 notice and to determine a procedural schedule. The parties agreed to several modifications to the
8 proposed form of notice, and agreed that a hearing to take place at the Commission's Tucson offices
9 in January, 2009, is appropriate and in the public interest.

10 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held
11 on **January 15, 2009, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices,
12 **Room 222, 400 West Congress St., Tucson, Arizona 85701.**

13 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
14 105, except that all motions to intervene must be filed on or before **December 31, 2009.**

15 IT IS FURTHER ORDERED that Applicants shall serve public notice (including the maps
16 attached hereto as Exhibit A) of the hearing in this matter, in the following form and style,¹ with the
17 heading in no less than 12 point bold type and the body in no less than 10 point regular type:

18 **NOTICE OF CC&N EXTENSION ON APPLICATION BY NORTHERN**
19 **SUNRISE WATER COMPANY AND SOUTHERN SUNRISE WATER**
20 **COMPANY FOR EXTENSION OF THEIR CERTIFICATES OF**
21 **CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN**
22 **COCHISE COUNTY, ARIZONA.**
23 **DOCKET NOS. W-20453A-06-0247 AND W-20454A-06-0248**

24 On January 3, 2008, Northern Sunrise Water Company and Southern Sunrise Water
25 Company (collectively "Applicants") filed with the Arizona Corporation Commission
26 ("Commission") a "Compliance with Decision No. 68826". By their filing,
27 Applicants seek to amend their Certificates of Convenience and Necessity ("CC&Ns")
pursuant to Decision No. 68826 (June 29, 2006).

28 By Procedural Order dated February 28, 2008, the matter was set for hearing on July
8, 2008, and the Applicants were ordered to mail notice to the affected property

¹ The Parties should note that the form of notice herein is modified slightly from that discussed at the November 7, 2008
Procedural Conference.

1 owners. Initial efforts to provided notice to the affected property owners resulted in
2 confusion concerning the nature of the application, as well as about which properties
3 were included in the Applicants' request to extend their service areas. It appears that
4 some affected property owners did not receive notice and that others, whose property
5 is not within the proposed extension areas, did receive notice.

6 By Procedural Order dated July 2, 2008, the Commission continued indefinitely the
7 hearing originally set in this matter to commence on July 8, 2008. In addition, the
8 Commission scheduled a Procedural Conference on July 8, 2008, for the purpose of
9 discussing how to provide notice and establishing a new schedule for the proceeding.

10 On June 27, 2008, Commission Staff has filed a Report recommending that the
11 Commission not approve certain portions of the Applicants' requested extension area.
12 The application and Staff Report are available for inspection during regular business
13 hours at the Commission's offices in Phoenix at 1200 West Washington Street,
14 Phoenix, AZ, and in Tucson at 400 West Congress Street, Suite 218, Tucson, AZ
15 85701, and at the Applicants offices, 12725 Wet Indian School Road, Suite D-101,
16 Avondale, AZ 85392. The application and Staff Report are also available on the
17 Commission's website, www.azcc.gov, using the e-Docket link.

18 **YOU ARE RECEIVING THIS NOTICE BECAUSE YOUR PROPERTY IS
19 LOCATED WITHIN THE REQUESTED EXTENSION ARA. ENCLOSED
20 HEREIN IS A DETAILED MAP, WITH STREET LOCATIONS, DEPICTING;**

- 21 1. Applicants' existing service territory;
- 22 2. The service area extension requested by Applicants in this proceeding; and
- 23 3. The area that Commission Staff recommends should not be included in the
24 extension area.

25 **THE COMMISSION WILL HOLD A HEARING ON THE APPLICATION ON
26 JANUARY 15, 2009, AT 10:00 A.M., AT THE COMMISSION'S OFFICES, 400
27 W. CONGRESS, ROOM 222, TUCSON, ARIZONA 85701.**

28 If you previously requested to have your property excluded from the proposed service
area, your property will not automatically be excluded, but rather the Commission will
decide based on all the evidence in the record which areas will be included and which
will not. For property owners currently on a "well share" or shared well arrangement,
please be advised that your rights may be affected by the Commission's final order in
this matter. [Please take the time to review the enclosed map and confirm that your
property is located within the Applicants' requested extension area.]

**IF THE APPLICATION IS APPROVED, PROPERTY OWNERS WITH
PERSONAL WELLS WILL NOT BE REQUIRED TO TAKE SERVICE FROM
APPLICANTS, OR TO DISCONNECT FROM THEIR PRIVATE WELLS TO
BECOME CUSTOMERS OF ON OF THE APPLICANTS.**

1 If you have any questions about this Notice, you may contact Applicants at Algonquin
2 Water, c/o Greg Sorensen, 12725 West Indian School Road, Suite D-101, Avondale,
3 AZ 85392, (866) 681-4506. If you want further information on intervention or have
4 questions on how to file comments, you may contact the Consumer Services Section
5 of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, or call
6 1-800-222-7000 or 602-542-4251. You can also reach the Commission's Tucson
7 office at 520-628-6550.

8 The Commission does not discriminate on the basis of disability in admission to its
9 public meetings. Persons with a disability may request a reasonable accommodation
10 such as a sign language interpreter, as well as request this document in an alternative
11 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602-542-
12 3931, E-mail LHogan@azcc.gov. Requests should be made as early as possible to
13 allow time to arrange the accommodation.

14 IT IS FURTHER ORDERED that Applicants shall mail to each property owner in the
15 requested extended service territory, a copy of this notice by first-class U.S. Mail, to begin as soon as
16 possible and to be completed on or before **November 30, 2008**.

17 IT IS FURTHER ORDERED that Applicants shall provide a copy of this Procedural Order to
18 all certified public service corporations providing water service in areas contiguous to the proposed
19 extension area. **A public service corporation with an interest in the proposed extension areas,**
20 **and wishing to intervene, shall file any intervention requests by the deadline set forth herein.**

21 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing
22 notwithstanding the failure of an individual customer to read or receive the notice.

23 IT IS FURTHER ORDERED that Applicants and Intervenors shall **file any Responses to the**
24 **June 27, 2008 Staff Report** and associated exhibits to be presented at the hearing on or before
25 **December 19, 2008.**

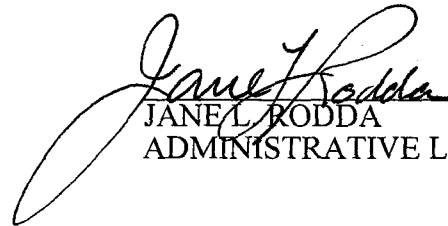
26 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
27 Communications) applies to this proceeding as the matter is now set for public hearing.

28 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

IT IS FURTHER ORDERED that **all parties must comply with Rules 31 and 38 of the**
Rules of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and
admission *pro hac vice*.

1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 Dated this 10th day of November, 2008.

4
5
6 
7 JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed
9 this 10th day of November, 2008 to:

10 Mr. Jay Shapiro
11 Mr. Patrick Black
12 FENNEMORE CRAIG, PC
13 3003 North Central Avenue, Suite 2600
14 Phoenix, Arizona 85012
15 Attorneys for Applicants

16 Mr. Steven Cockrum
17 5328 Corral Dr.
18 Hereford, Arizona 85635

19 Ms. Sharron L. Arcand
20 Mr. Raymond E. Baltrus
21 5906 S. Kino Road
22 Hereford, Arizona 85615-8901

23 Ms. Charlotte L. Borghardt
24 Mr. Paul Goetz
25 P.O. Box 1126
26 Sierra Vista, Arizona 85636

Mr. David Lease
Mrs. Jennifer Lease
6356 South Kino Rd.
Hereford, Arizona 85615

Jeffrey & Marlene McDaniel
7023 S. Calle De La Mango
Hereford, Arizona 85615

Ms. Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Mr. Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

27 By:

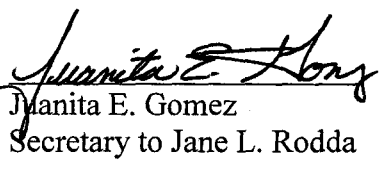
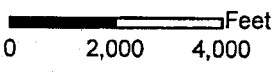
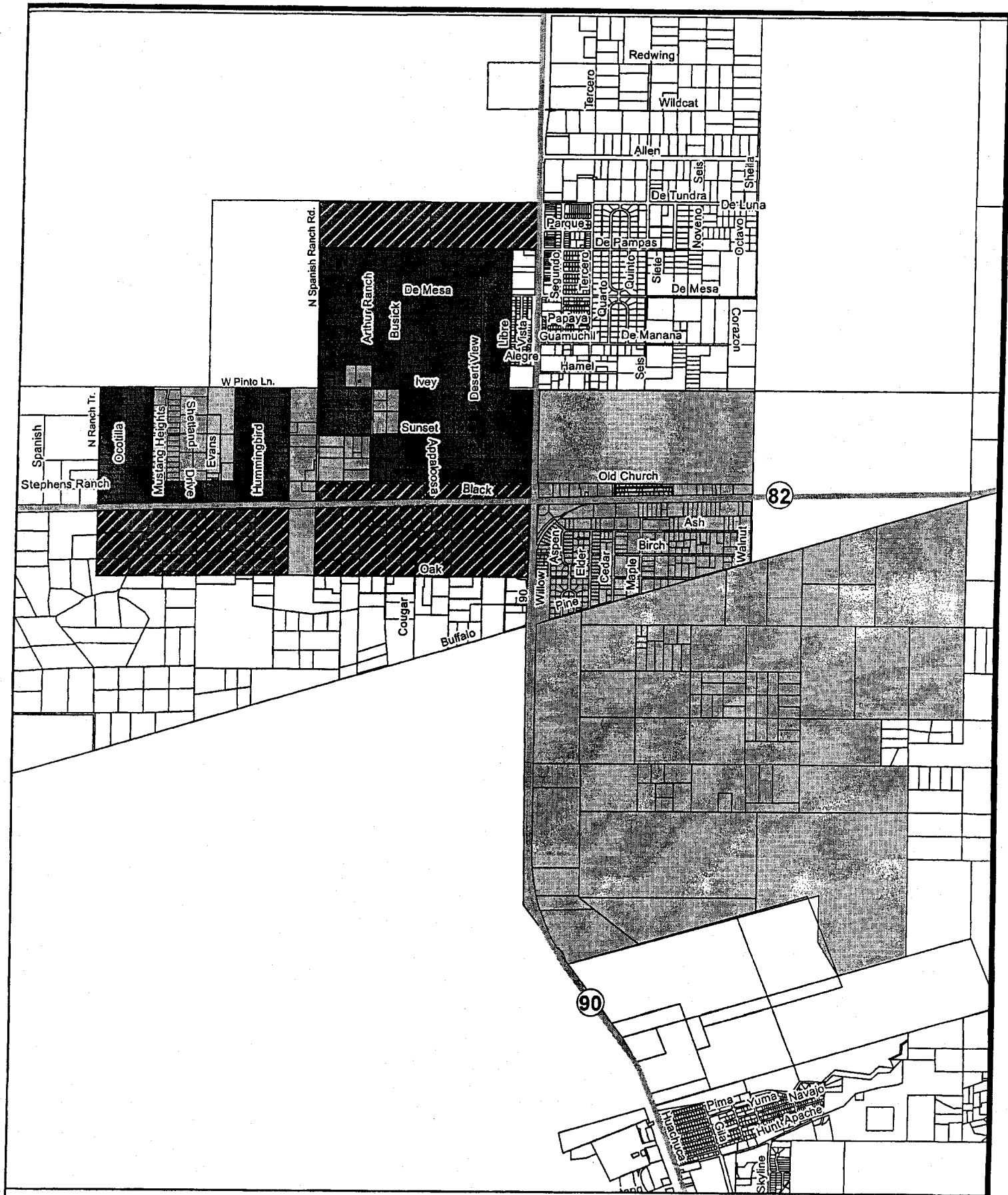



28 
Janita E. Gomez
Secretary to Jane L. Rodda

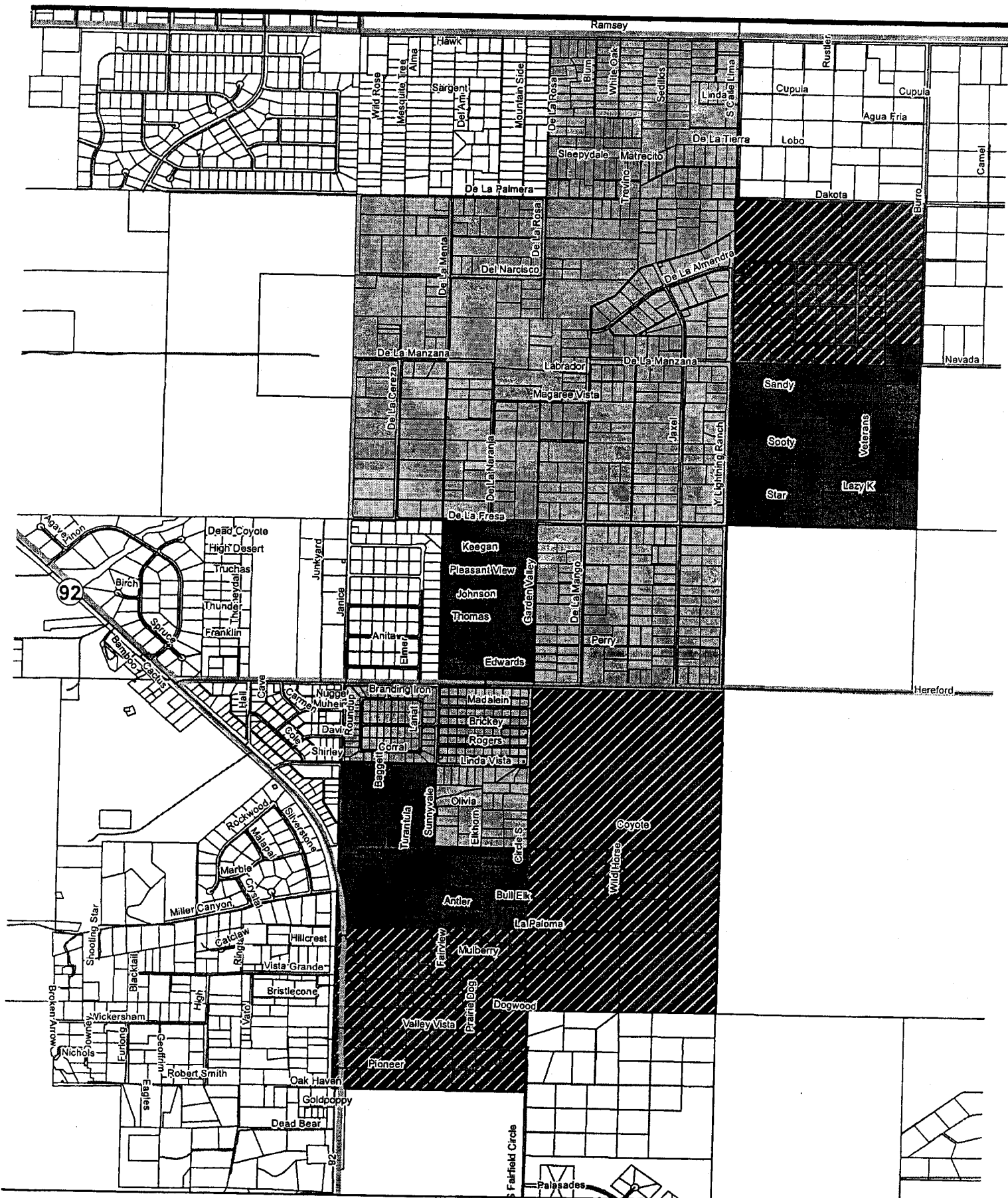
EXHIBIT A

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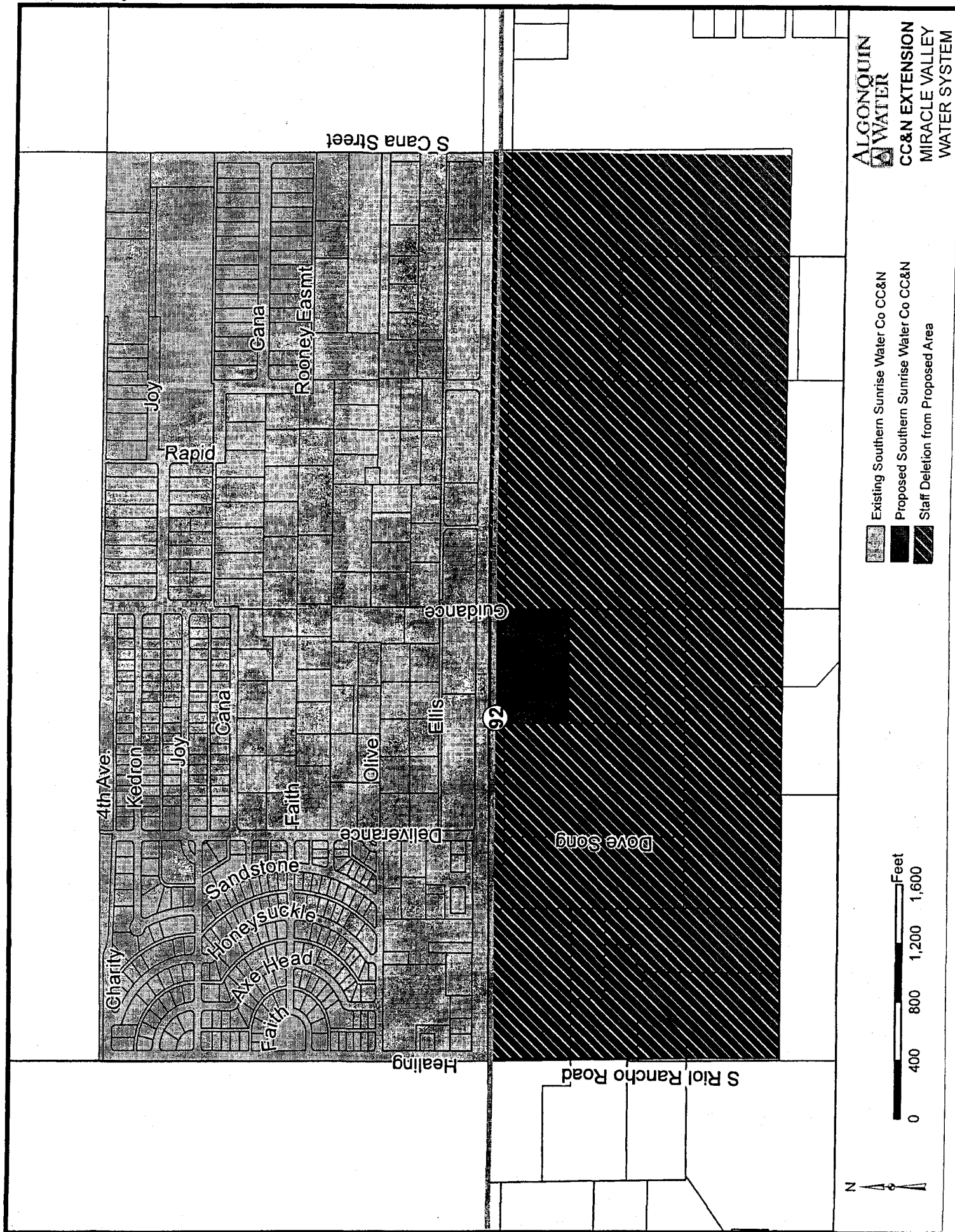


-  Existing Northern Sunrise Water Co CC&N
-  Proposed Northern Sunrise Water Co CC&N
-  Staff Deletion from Proposed Area




ALGONQUIN
WATER
CC&N EXTENSION
NORTHERN SUNRISE
WATER SYSTEM



ALGONQUIN
WATER
CC&N EXTENSION
COCHISE
WATER SYSTEM



ALGONQUIN
WATER
CC&N EXTENSION
MIRACLE VALLEY
WATER SYSTEM

-  Existing Southern Sunrise Water Co CC&N
-  Proposed Southern Sunrise Water Co CC&N
-  Staff Deletion from Proposed Area

Feet
 0 400 800 1,200 1,600

